



Order Filed on September 12, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1

**TRENK, DiPASQUALE,
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Counsel to Bernard Katz, Liquidating Trustee

In re:

EOGH Liquidation, Inc., f/k/a East Orange General
Hospital, Inc., *et al.*,¹

Debtors.

Chapter 11

Case No. 15-31232 (VFP)

(Jointly Administered)

**CONSENT ORDER VACATING AUTOMATIC STAY
AND PERMANENT INJUNCTION TO THE
EXTENT OF INSURANCE PROCEEDS ONLY**

The relief set forth on the following pages, numbered two (2) through three (3), is
hereby **ORDERED**.

DATED: September 12, 2018

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

¹ The Debtors and the last four digits of their Employer Identification Numbers are EOGH Liquidation, Inc. (f/k/a East Orange General Hospital, Inc.) (7166) and EVHI Liquidation, Inc. (f/k/a Essex Valley Healthcare, Inc.) (7667). The Debtors' principal place of business is located at 300 Central Avenue, East Orange, New Jersey 07018.

Page: 2
Debtors: EOGH Liquidation, Inc., f/k/a East Orange General Hospital, Inc., *et al.*
Case No: 15-31232 (VFP)
Caption: Consent Order Vacating Automatic Stay to the Extent of Insurance Proceeds Only

Upon the response of Joseph J. Bell, Esq., attorney for Candida Garcia (the “Claimant”), to the *Liquidating Trustee’s Eighth Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502(b) and Fed. R. Bankr. P. 3007(d)* [Dkt. No. 1064], whereby Claimant objects to the Liquidating Trustee’s efforts to expunge Claim No. 280 filed by Claimant; whereas the contingent, unliquidated damages set forth in Claim No. 280 were asserted in a lawsuit captioned Garcia v. East Orange General Hospital, et al., Docket No. 2:16-cv-02665-SDW-LDW (the “District Court Action”), which was stayed by the bankruptcy filing of EOGH Liquidation, Inc. (f/k/a East Orange General Hospital, Inc.) (“EOGH”) and EVHI Liquidation, Inc. (f/k/a Essex Valley Healthcare, Inc.) (“EVHI,” and together with EOGH, the “Debtors”) and the permanent injunction set forth in Debtors’ *Joint Plan of Liquidation* (the “Plan”) [Dkt. No. 690] and August 25, 2016 order confirming the Plan [Dkt. No. 794]; and Bernard Katz, Liquidating Trustee (“Liquidating Trustee”) for Debtors’ estates, having consented to lifting the automatic stay and permanent injunction solely on the terms and conditions set forth herein; it is hereby

ORDERED that the automatic stay and permanent injunction referenced above are hereby modified and lifted as to EOGH solely to permit the Claimant to resume and prosecute to conclusion against EOGH the District Court Action; provided, however, that (1) any recovery in the District Court Action shall be enforceable against EOGH only to the extent of available, applicable insurance coverage for the Debtors, and (2) Claimant waives any right to recover upon any claim against the Debtors or their bankruptcy estates, including, but not limited to, any claim for a deductible or self-insured retention under any insurance policy of the Debtors or any amounts in excess of available insurance coverage; and it is further

Page: 3
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ORDERED that the automatic stay and permanent injunction referenced above are hereby modified and lifted to permit the Claimant to implead the insurance carrier as a party to the litigation; and it is further

ORDERED that Claim No. 280 filed by Claimant be and hereby is expunged; and it is further

ORDERED that this Order shall be immediately effective and enforceable upon its entry; and it is further

ORDERED that the Claimant shall serve a copy of this Order on counsel to the Liquidating Trustee and all counsel of record in the District Court Action via regular mail.

The undersigned hereby consent to the form and entry of the within Order:

**TRENK, DiPASQUALE,
DELLA FERA & SODONO, P.C.**
*Counsel for Bernard Katz, Liquidating
Trustee*

BELL & SHIVAS, P.C.
Attorney for Candida Garcia

By: /s/ Joseph J. DiPasquale
Joseph J. DiPasquale, Esq.

By: /s/ Brian C. Laskiewicz
Brian C. Laskiewicz, Esq.

Dated: September 10, 2018

Dated: September 10, 2018